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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,743	04/09/2004	Frank Rosental	SCH-00087	2440

7590 05/09/2008  
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EXAMINER
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TRAN, CON P

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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05/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,743	<b>Applicant(s)</b> ROSENTHAL ET AL.	
	<b>Examiner</b> Con P. Tran	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/14/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application DE 103 16 677.7, filed on April 10, 2003.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen et al. U.S. Patent 5,170,435 in view of Haug et al. DE 31 40321 A1 (hereinafter "Haug", cited by Applicants).

Regarding **claim 1**, Rosen teaches a system for reproduction of sound in a motor vehicle (loudspeaker system 10; see Figs. 1; 4, and respective portions of the specification, col. 2, lines 25-35) comprising:

a sound reproduction system (10, Figs. 1, 4) including at least one bass reflection box (i.e., deep bass response, speaker chamber 12; tubular acoustic waveguide 14, 16) equipped with a bass reflection pipe and/or a bass reflection opening (port 50, 60, Fig. 4) and at least one built-in speaker (driver 36, cone 37, Fig. 3; col. 2, lines 25-41; col. 4, lines 15-24);

said bass reflection box (including 12, 14, 16) being arranged in a side compartment of the interior of the vehicle and including a wall (44, 46, Figs. 1, 4) oriented toward the interior of the vehicle (see col. 3, lines 10-19).

said wall (44, 46, Figs. 1, 4) of the bass reflection box oriented toward the interior of the vehicle (see Figs. 1, 4, see col. 3, lines 10-19), comprising:

at least in part, a sound-transmissive lid (panels 18, 20, 22 and 24, Fig. 3 are preferably made from materials of sufficient stiffness to present a low compliance to acoustic pressure waves, plastic; col. 2, lines 46-53)

Rosendo does not explicitly disclose a second wall having depressions therein located behind the lid; and at least one tool being arranged between said second wall and said lid.

Haug discloses cover plate for the spare wheel well in the boot of a vehicle is provided with depressions for the vehicle jack; depressions (5, Fig. 1) are provided for a warning triangle, beneath which more depressions are provided into which tools can be stored (see Figs. 1, 2, Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the cover plate taught by Haug with the a

system for reproduction of sound in a motor vehicle of Rosen to obtain the wall and lid as claimed for purpose of providing an economical improved loudspeaker system for installation in a vehicle in conveniently available space, as suggested by Haug in column 6, lines 38-42.

Regarding **claim 2**, Rosen, as modified, teaches further comprising the lid having at least one swing articulation whose axis of swing is oriented parallel to a floor of the interior of the vehicle, located in front of the bass reflection box (by modifying panel 22, see Rosen, Fig. 3).

Regarding **claim 3**, Rosen, as modified, teaches wherein the axis of swing is located in close proximity above the floor of the interior of the vehicle (by modifying front panels 22 and bottom panel 20, see Rosen, Fig. 3).

Regarding **claim 4**, Rosen, as modified, teaches further comprising a side compartment located behind a rear wheel box of the vehicle superstructure (see Rosen, Fig. 1).

Regarding **claim 5**, Rosen in view of Haug teaches the system according to claim 1. Haug in view of Haug, as modified, teaches wherein the service tool kit to be stowed on the bass reflection box includes at least a jack, a wheel nut tube wrench, and

a lever for rotating the wheel nut wrench (see Haug, Figs. 1, 2, Abstract) about its longitudinal axis (by modifying front panels 22, see Rosen, Fig. 3).

Regarding **claim 6**, Rosen in view of Haug teaches the system according to claim 1. Rosen in view of Haug, as modified, teaches wherein the several tools of the service tool kit are arranged in recesses provided in the wall (see Rosen, Fig. 3) and are thereby dynamically and/or geometrically fixed in said recesses (see Haug, Figs. 1, 2, Abstract).

Regarding **claim 7**, Rosen in view of Haug teaches the system according to claim 1. Rosen in view of Haug, as modified, teaches wherein the bass reflection opening is arranged above or to one side of the lid (by modifying front panels 22, see Rosen, Fig. 3).

Regarding **claim 8**, Rosen in view of Haug teaches the system according to claim 1. Rosen in view of Haug, as modified, teaches wherein at least one dynamic speaker (driver 36, cone 37, Fig. 3) is arranged behind the sound-transmissive lid (see Rosen; col. 2, lines 25-41; col. 4, lines 15-24).

Regarding **claim 9**, Rosen in view of Haug teaches the system according to claim 1. Rosen in view of Haug, as modified, teaches wherein the bass reflection box is

capable of being removable arranged in the side compartment of the vehicle (i.e., typically mounted on a hard baffle panel, see Rosen, col. 1, lines 25-28).

Regarding **claim 10**, Rosen in view of Haug teaches the system according to claim 1. Rosen in view of Haug, as modified, teaches wherein the removable bass reflection box is equipped with an extension cable at least five meters in length (since the removable bass reflection box location is in the rear of the vehicle).

Regarding **claim 11**, Rosen in view of Haug teaches the system according to claim 1. Rosen in view of Haug, as modified, teaches wherein said at least one tool further comprises a service tool kit (see Haug, Figs. 1, 2, Abstract) and capable of emergency aids.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (571) 272-7532. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cpt  
May 8, 2008

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615